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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,865	02/21/2002	Uma Arunkumar	GP-302051 2760/49	7567

7590 04/05/2005

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EXAMINER

SHAW, PELING ANDY

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/079,865	ARUNKUMAR, UMA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Peling A. Shaw	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/24/03</u> | 6) <input type="checkbox"/> Other: _____  |

*TL*

**DETAILED ACTION**

***Priority***

1. This application has no priority claim made. The filing date is 02/21/2002.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-6, 8-9 and 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Jijina et al. (US 20030103599 A1), hereinafter referred as Jijina.

- a. Regarding claim 1, Jijina disclosed a method for delivering a communication for a customer from a server to a client vehicle communication unit (VCU) installed in a vehicle of the customer, the method comprising: establishing a connection between the server and the client VCU (page 1, paragraph 4); and acquiring an ignition status from the client VCU as an indication of whether the customer is available in the vehicle for receiving the communication (page 1, paragraph 4).
- b. Regarding claim 4, Jijina disclosed the method of claim 1 further comprising delivering the communication to the client VCU upon acquiring an IGNITION ON status (page 1, paragraph 4).

- c. Regarding claim 5, Jijina disclosed the method of claim 4 wherein delivering the communication further comprises: the client VCU annunciating delivery of the communication prior to actual delivery of the communication; and delaying actual delivery of the communication until the customer initiates delivery of the communication at the client VCU (page 2, paragraph 23).
- d. Regarding claim 6, Jijina disclosed the method of claim 5 wherein annunciating the communication includes broadcasting an audible message to the customer inside the vehicle (page 2, paragraph 23).
- e. Regarding claim 8, Jijina disclosed the method of claim 1 further comprising delaying delivery of the communication to the client VCU upon acquiring an IGNITION OFF status (page 1, paragraph 7).
- f. Regarding claim 9, Jijina disclosed the method of claim 8 further comprising storing the communication at the server upon acquiring an IGNITION OFF status (page 1, paragraph 7).
- g. Regarding claim 16, Jijina disclosed an apparatus for delivering a communication for a customer from a server to a client vehicle communication unit (VCU) installed in a vehicle of the customer, the apparatus comprising: means for establishing a connection between the server and the client VCU (page 1, paragraph 4); and means for acquiring an ignition status from the client VCU as an indication of whether the customer is available in the vehicle for receiving the communication (page 1, paragraph 4).

- h. Regarding claim 17, Jijina disclosed the apparatus of claim 16 further comprising means for delivering the communication to the customer upon acquiring an IGNITION ON status (page 1, paragraph 4).
- i. Regarding claim 18, Jijina disclosed the apparatus of claim 16 further comprising means for storing the communication until an IGNITION ON status is acquired (page 1, paragraph 7).
- j. Regarding claim 19, Jijina disclosed a computer readable medium storing a computer program for delivering a communication for a customer from a server to a client vehicle communication unit (VCU) installed in a vehicle of the customer, the computer program comprising: computer readable code for establishing a connection between the server and the client VCU (Fig. 3; page 1, paragraph 4); and computer readable code for acquiring an ignition status from the client VCU as an indication of whether the customer is available in the vehicle for receiving the communication (Fig. 3; page 1, paragraph 4).
- k. Regarding claim 20, Jijina disclosed the computer readable medium of claim 19, wherein the computer program further comprises computer readable code for delivering the communication to the customer upon acquiring an IGNITION ON status (Fig. 3; page 1, paragraph 4).
- l. Regarding claim 21, Jijina disclosed the computer readable medium of claim 19, wherein the computer program further comprises computer readable code for storing the communication until an IGNITION ON status is acquired (Fig. 3; page 1, paragraph 7).

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Jijina disclosed all limitations of claims 1, 4-6, 8-9 and 16-21. Claims 1, 4-6, 8-9 and 16-21 are rejected under 35 U.S.C. 102(e).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 7 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jijina et al. (US 20030103599 A1), hereinafter referred as Jijina as applied to claims 1, 4-5 and 8-9 above, and further view of Videtich (US 20030144005 A1), hereinafter referred as Videtich.

- a. As quoted from items a, b, c, e and f in paragraph 2, Jijina shows a method for delivering a communication for a customer from a server to a client vehicle communication unit (VCU) installed in a vehicle of the customer, the method comprising: establishing a connection between the server and the client VCU (page 1, paragraph 4); and acquiring an ignition status from the client VCU as an indication of whether the customer is available in the vehicle for receiving the communication (page 1, paragraph 4); further comprising delivering the communication to the client VCU upon acquiring an IGNITION ON status (page 1, paragraph 4); wherein delivering the communication further comprises: the client VCU annunciating delivery of the communication prior to actual delivery of the communication; and delaying actual delivery of the communication until the customer initiates delivery of the communication at the client VCU (page 2, paragraph 23); further comprising

delaying delivery of the communication to the client VCU upon acquiring an IGNITION OFF status (page 1, paragraph 7); and further comprising storing the communication at the server upon acquiring an IGNITION OFF status (page 1, paragraph 7). Jijina also shows wherein the communication is one of the group consisting of a voicemail message, an E-mail message, and a transfer of data (page 1, paragraph 4); and wherein delivering the communication further comprises annunciating the type of communication available for delivery (page 2, paragraph 23). Jijina does not show wherein the communication is a facsimile (FAX); wherein the customer initiates delivery with a verbal command; further comprising periodically attempting to establish a connection for updating the ignition status with the client VCU when an undelivered communication is stored at the server; further comprising storing an indication at the client VCU of a communication awaiting delivery from the server; further comprising annunciating in the vehicle the indication of a communication awaiting delivery at the server, upon the client VCU acquiring an IGNITION ON status; further comprising storing the communication at the client VCU upon acquiring an IGNITION OFF status; further comprising also storing the communication at the server; and further comprising delivering the communication to the customer upon the client VCU acquiring an IGNITION ON status.

- b. Videtich shows wherein the communication is a facsimile (FAX) (page 1, paragraph 2); wherein the customer initiates delivery with a verbal command (page 1, paragraph 2; page 2, paragraph 15); further comprising periodically attempting to establish a connection for updating the ignition status with the client VCU when an undelivered



communication is stored at the server (page 3, paragraphs 26 and 27: SMS); further comprising storing an indication at the client VCU of a communication awaiting delivery from the server (page 2, paragraph 18); further comprising annunciating in the vehicle the indication of a communication awaiting delivery at the server, upon the client VCU acquiring an IGNITION ON status (page 3, paragraph 26: SMS); further comprising storing the communication at the client VCU upon acquiring an IGNITION OFF status (page 3, paragraph 26: SMS); further comprising also storing the communication at the server (page 2, paragraphs 18: message waiting notification; page 3, page 26: SMS); and further comprising delivering the communication to the customer upon the client VCU acquiring an IGNITION ON status (page 3, page 26: SMS) in an analogous art for the purpose of vehicle preference selection monitoring.

- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Jijina's mobile communication unit with Videtich's SMS functions to provide the voice interactive message system for voice, text, FAX messaging service.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to implement a vehicle communication system to include all standard multimedia portable communication features, e.g. voice messaging, FAX, text and data capability (email) of PDA or portable computer with wireless capability.

Together Jijina and Videtich disclosed all limitations of claims 2-3, 7 and 10-15. Claims 2-3, 7 and 10-15 are rejected under 35 U.S.C. 103(a).

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*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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